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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,551	01/26/2001	Brian L. Arend	1801/USW0596PUS	6404

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QWEST COMMUNICATIONS INTERNATIONAL INC  
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1801 CALIFORNIA STREET, SUITE 3800  
DENVER, CO 80202

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/770,551	<b>Applicant(s)</b> AREND ET AL.	
	<b>Examiner</b> Naghmeh Mehrpour	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-9, 11-19, 21,** are rejected under 35 U.S.C. 102(e) as being anticipated by Girod et al. (US Patent Number 6,687,506 B1).

Regarding claim 1, Girod teaches a method for inhibiting wireless telecommunication within a limited region (see figure 1, col 3 lines 8-18) comprising:

generating a plurality of noise signals, each signal within a different portion of the frequency range of the wireless telecommunication (col 4 lines 59-67, col 5 lines 1-12).

Art Unit: 2617

broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals (col 3 lines 24-35).

Regarding claims 2,14, Girod teaches a method/system for inhibiting wireless telecommunications at least one of the pluralities of radio frequency noise generators (col 1 lines 55-65).

Regarding claim 3, Girod teaches a method for inhibiting wireless telecommunication system comprising:

broadcasting a noise signal (col 2 lines 4-14);

inhibiting wireless communication that includes broadcasting noise via at least one directional antenna to inhibit communication within a limited region (col 2 line 15-67).

Regarding claims 4,15, Girod teaches a method/ system wherein the wireless telecommunications, the noise signal generated the plurality of noise signals (col 2 lines 37-45);

the plurality of noise signals generated substantially through spread spectrum (CDMA) (col 1 lines 5-65).

Art Unit: 2617

Regarding claim 5, Girod teaches a method/system wherein controlling broadcasting a noise signal based on a public event (col 1 lines 23-28).

Regarding Claims 6, 16, Girod teaches a method wherein broadcasting of a noise signal is automatically based on at least one condition of the public event (col 1 lines 23-28).

Regarding claims 7, 9, 17, 19, Girod inherently teaches a method/system for inhibiting wireless telecommunications the region is the inside of an automatic vehicle (col 1 lines 28-34, col 3 lines 45-55).

Regarding claims 8, 18, Girod teaches a method/system for inhibiting wireless telecommunications (col 1 lines 24-27).

Regarding claims 11, 21, Girod teaches a method/system for inhibiting wireless telecommunications comprising:

controlling broadcasting the plurality of noise signal based on detecting at least one condition of the automotive vehicle (col 1 lines 28-34, col 3 lines 45-52-21).

Regarding claim 13, Girod teaches a system for inhibiting wireless telecommunications within a limited region of the telecommunications coverage comprising:

a plurality of radio frequency noise generators, each generator generating a noise signal within a different portion of the frequency range of the wireless telecommunications (col 1 lines 55-65);

broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals (col 1 lines 55-67, col 2 lines 1-56).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identify disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 10, 20**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Girod et al. (US Patent Number 6, 687,506 B1) in view of Kushita (US Patent Number 6,570,689).

Regarding claims 10, 20, Girod teaches a method/system that broadcasting a noise signal within a frequency range with in a region (col 1 lines 55-65). Girod does not specifically mention a method/system that broadcasting a noise signal based on detecting the presence of a telephone in a cradle. However Kushita teaches a method/system wherein when attachment of the portable telephone to the cradle is

Art Unit: 2617

detected the drive mode is cancelled, or while the automobile is traveling, hand-free speech communication can be inhibited (col 9 lines 10-25). Since Girods teaches a method of generating noise while disabling the cellular phone in a predefined area, and Kushita teaches a method of disabling the telephone when detection is resulted in the presence of the telephone on a cradle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kushita with Girod 's teaching, in order to provide a system that can detects theft of radio telephones mounted within vehicle cradles.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-11, 13-21, have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

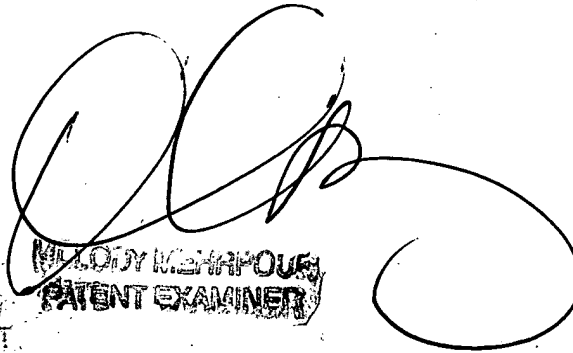
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

October 30, 2006



NIKOLAY MESHAPOV  
PATENT EXAMINER